


DENIED as MOOT. Attorney Scott L. Wilkinson has 45 days from the date of this order to file any supplemental briefing regarding petitioner's Johnson claim.

The court now turns to petitioner's motion to amend his original § 2255 petition. For good cause shown, petitioner's motion is GRANTED.¹ See Fed. R. Civ. P. 15(a). Because the court granted petitioner's motion to amend, respondent's pending motion to dismiss is DENIED as MOOT. In an effort to promote judicial economy, petitioner's *pro se* § 2255 is held in ABEYANCE until petitioner's Johnson claim is resolved.

In summary, the court rules as follows:

- (1) Petitioner's motion to appoint counsel (DE 136) is DENIED as MOOT;
- (2) Attorney Scott L. Wilkinson has 45 days from the date of this order to file any supplemental briefing regarding petitioner's Johnson claim;
- (3) Petitioner's motion to amend (DE 137) is GRANTED, and respondent's motion to dismiss (DE 130) is DENIED as MOOT.
- (4) Petitioner's *pro se* § 2255 petition is held in ABEYANCE until petitioner's Johnson claim is resolved.

SO ORDERED, this the 20th day of May, 2016.


LOUISE W. FLANAGAN
United States District Judge

¹ Providing petitioner the benefit of the mailbox rule, the court deems his amended § 2255 petition, dated February 8, 2016, but filed on May 11, 2016, to be filed on February 8, 2016. See Houston v. Lack, 487 U.S. 266, 276 (1988) (holding that a *pro se* prisoner's notice of appeal is filed at the moment it is delivered to prison authorities for mailing to the district court).